

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 256.3CIPWO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/IB2004/000012	International filing date (day/month/year) 07/01/2004	(Earliest) Priority Date (day/month/year) 11/04/2003
Applicant RANBAXY LABORATORIES LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 8 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

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International application No.

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Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

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International Application No

PCT/IB2004/000012

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/403 C07D209/52 C07D403/06 A61P1/00 A61P11/00
A61P13/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BEILSTEIN Data, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 02/04402 A (BANYU PHARMA CO LTD ;MATSUDA KENJI (JP); KURIHARA HIDEKI (JP); OGI) 17 January 2002 (2002-01-17) abstract & EP 1 302 458 A (BANYU PHARMACEUTICAL CO, LTD.) 16 April 2003 (2003-04-16) page 4, lines 18-30 page 67, lines 1-5; claims 22,27,29; example 26	1-28
Y	WO 02/053564 A (ALMIRALL PRODESFARMA AG ;BUIL ALBERO MARIA ANTONIA (ES); FERNANDEZ) 11 July 2002 (2002-07-11) page 38, line 26 - page 42, line 25; claims 1,33 ----- -/--	1-28

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

26 May 2004

Date of mailing of the international search report

04/06/2004

Name and mailing address of the ISA

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INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	CA 2 155 320 A (FUJISAWA PHARMACEUTICAL CO) 19 August 1993 (1993-08-19) page 1; claims; examples 1-7,10-12,21,22,25 -----	1-28
A	EP 0 863 141 A (BANYU PHARMA CO LTD) 9 September 1998 (1998-09-09) page 9, line 4 - page 12, line 35; claim 1; examples 1-13 -----	1-28
A	US 6 313 312 B1 (GIBSON STEPHEN PAUL ET AL) 6 November 2001 (2001-11-06) column 1, lines 7-18; claims 1,22 -----	1-28
A	US 5 164 402 A (BRIGHTY KATHERINE E) 17 November 1992 (1992-11-17) claims 1,26,27 -----	1-28
E	WO 2004/004629 A (MEHTA ANITA ;RANBAXY LAB LTD (IN); GUPTA JANG BAHADUR (IN); SILAMK) 15 January 2004 (2004-01-15) the whole document -----	1-28
E	WO 2004/018422 A (MEHTA ANITA ;RANBAXY LAB LTD (IN); GUPTA JANG BAHADUR (IN)) 4 March 2004 (2004-03-04) the whole document -----	1-28

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 4-7 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.2

Claims Nos.: -

The present claims 1, 4, 8 and 18 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The functional terms "prodrugs" and "metabolites" do not enable the skilled person to determine which functional features are necessary to perform the stated function. It is thus unclear which specific compounds fall within the scope of the said claims. A lack of clarity within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the above-mentioned claims impossible. Consequently, the search does not include prodrugs and metabolites of formula I.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB2004/000012

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